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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,970	10/24/2003	David A. Boyles	4775-4	1817
22442	7590	06/30/2005	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			BOYKIN, TERRESSA M	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/692,970		BOYLES ET AL	
	<b>Examiner</b>		<b>Art Unit</b>	
	Terressa M. Boykin		1711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 17-24 is/are allowed.
- 6) ☒ Claim(s) 9-16 and 25-38 is/are rejected:
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

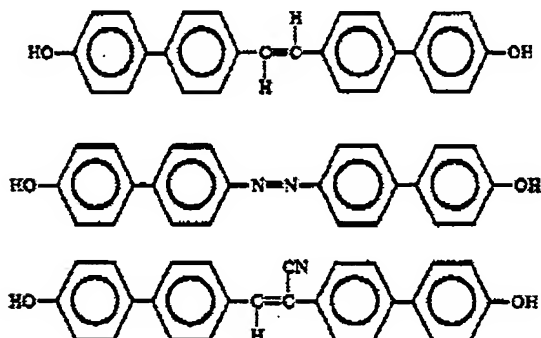
- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### ***Response to Arguments***

Applicant's arguments filed 2-28-05 have been fully considered but they are not persuasive. With regard to claims 9-16 and 25-38, each of the moieties as claimed are clearly in the references. Each and every limitation is disclosed in the references as claimed, the structural formulas as well as the spacer groups as disclosed therein.

**Claims 9 - 16 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4841009. see abstract, cols. 7-8 lines 35 through 60, cols 9, 10, 11 and 12,**

**USP 4841009** discloses substantially linear monomeric compositions which can be polymerized with one or more difunctional monomers to give novel polymeric compositions having liquid crystal properties. This reference is also directed to a process for preparation of the novel substantially linear monomeric compositions. Illustrative of the preferred substantially linear monomeric compositions are:

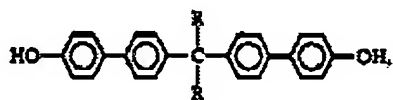


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**Additionally, claims 9 - 16 are also rejected under 35 U.S.C. 102(b) as being anticipated by USP 5319149 see col. 1 lines 10 -45 and col. 3.**

**USP 5319149** discloses compositions of matter, and more particularly to polycarbonates and precursors thereof.

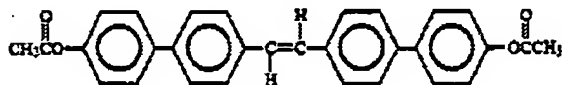
Containing Bis[4-(4-hydroxyphenyl)-phenyl]alkanes, as illustrated by 2,2-bis[4-(4-hydroxyphenyl)-phenyl]propane,



which may be prepared by the reaction of a bisphenol A ester or a similar compound with a p-trialkyltin-substituted anisole, followed by demethylation with a Lewis acid such as boron tribromide. Polycarbonates prepared therefrom are ductile and have high glass transition temperatures.

**Claims 25 - 32 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 4841009 cols. 7 and 8 lines 35 through 60, cols. 15-17 line 16 and claims 23.**

As noted previously, **USP 4841009** discloses substantially linear monomeric compositions which can be polymerized with one or more difunctional monomers to give novel polymeric compositions having liquid crystal properties. Note that one of the many monomers sited therein include:



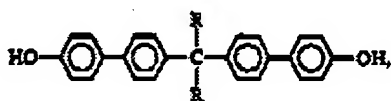
which anticipates applicants claimed language and structural formula. With regard to

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applicants' Y end group, note that the reference discloses and claims that the end group of the Ar moiety has at least one electron withdrawing group in one or more of the ortho or para positions which would anticipate applicants claimed language.

**Claims 33- 38 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5319149 see col. 1 lines 10 –45 and col. 3.**

**USP 5319149** discloses compositions of matter, and more particularly to polycarbonates and precursors thereof. Containing Bis[4-(4-hydroxyphenyl)-phenyl]alkanes, as illustrated by 2,2-bis[4-(4-hydroxyphenyl)-phenyl]propane, which may be prepared by the reaction of a bisphenol A ester or a similar compound with a p-trialkyltin-substituted anisole, followed by demethylation with a Lewis acid such as boron tribromide. Polycarbonates prepared therefrom are ductile and have high glass transition temperatures.



With regard to applicants' OH end group, the reference discloses that the structural formulas include those wherein the free valence bonds are in the meta or para positions.

Thus in view of the above, there appears to be no significant difference between each the references and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

### Correspondence

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Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( 571-272-1700).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
Examiner Terressa Boykin  
Primary Examiner  
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